

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

IN RE:

CLAUDIA Y.F. FITZPATRICK

Debtor

CIVIL ACTION NO.
2:06CV281-MHT

ROBERT LEE SMITH

Appellant

v.

CLAUDIA Y.F. FITZPATRICK

Appellee

MOTION TO WITHDRAW

Comes now the Mark A. Cavanaugh attorney for the Defendant and respectfully requests this Honorable Court for permission to withdraw from this case and as grounds for said motion states the following:

1. That this Attorney agreed to represent the Defendant pro bono on the Adversary Complaint at the Bankruptcy Court Level.
2. The Honorable Judge Sawyer ruled in favor of the Defendant.
3. The Plaintiff filed a notice of appeal on 15 February 2006.

4. This Attorney file a motion to withdraw in Bankruptcy Court on February 21, 2006.

5. This Attorney has not been retained to represent the Debtor on the Appeal.

6. Further this Attorney has only limited experience in appellate practice and believes it would be in the Defendants best interest to retain an attorney more experienced in appellate practice if she decides to retain an attorney to represent her in the appeal.

7. This Attorney has provided a copy of this motion to the Defendant Claudia Y. F. Fitzpatrick.

WHEREFORE SAID PREMISES CONSIDERED would request the following relief.

1. That this Attorney be allowed to withdraw.

Respectfully submitted this the 25 day of April 2006.



MARK A. CAVANAUGH
Attorney for Debtor
4252 Carmichael Rd.
Montgomery, Al. 36106
(334) 272-8444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a true and correct copy of the foregoing Motion to withdraw, to Claudia Y.F. Fitzpatrick and Robert Lee Smith, the last known address, by placing a copy of same in the U.S. Mail, postage prepaid, properly addressed on the 25 day of April, 2006.

(Claudia Y.F. Fitzpatrick - P.O Box 9932 Montgomery, AL 36108)

(Robert Lee Smith -P.O. Box 5146, Montgomery, AL 36106)


MARK A. CAVANAUGH